

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0026
)	
JAHVID ALEXANDER and JESTUS LARS)	
FRANCIS,)	
Defendants.)	
)	
)	

ORDER

BEFORE THE COURT is the Motion for New Hearing Date and Request to Terminate Deadlines for the trial in this matter, currently scheduled for October 4, 2021. For the reasons stated herein, the Court will grant the motion. The time to try this case is extended up to and including March 14, 2022.

On September 17, 2021, the United States (the "Government") filed a motion to reschedule the trial date, terminate the current trial deadlines, and continue the suppression hearing currently scheduled on September 23, 2021. (ECF No. 90.) In the motion, the Government cites this Court's Twenty-Sixth Order Concerning Operations under which the Court is currently operating. The Government asserts that Defendants do not consent to the suppression hearing being held via videoconference but do not object to the Government moving to continue the hearing and jury trial. Moreover, the Government represents that it currently has five (5) witnesses under subpoena to appear for the suppression hearing, one of which cannot attend on the scheduled date due to a medical appointment that cannot be rescheduled. The Government thus requests that the hearing and trial be rescheduled.

In response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands entered a general order concerning operations of the Court on March 17, 2020. The Chief Judge has thus far extended the order sixteen times, finding that the ends of justice require excluding March 18, 2020, through September 30, 2021, from the Speedy Trial count in all criminal matters.

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To date, the COVID-19 virus has claimed more than 676,000 lives in the United States (68 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. As a multi-defendant case, this case presents significant challenges for the Court to comply with social distancing guidelines during the jury trial. Practical considerations would require additional spacing for Defendants, counsel, and jurors—and the potential for additional jurors in the courtroom. As such, the Court finds that extending the period within which Defendants may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendants, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.¹

The premises considered, it is hereby

ORDERED that the United States’ Motion for New Hearing Date and Request to Terminate Deadlines, ECF No. 90, is **GRANTED**; it is further

ORDERED that the evidentiary hearing on Defendant Alexander’s Motion to Suppress, ECF No. 67, previously scheduled for September 23, 2021, is hereby **RESCHEDULED** to commence promptly at 9:30 a.m. on February 10, 2022, in St. Thomas Courtroom 1; it is further

ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits for the hearing no later than February 5, 2022;² it is further

ORDERED that the time beginning from the date of this order granting an extension through March 14, 2022, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

¹ The Speedy Trial Act also excludes “[a]ny period of delay resulting from other proceedings concerning the defendant, including . . . (D) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion. . . .” 18 U.S.C. § 3161(h)(1).

² Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government’s trial exhibits shall be labelled sequentially beginning with Government’s Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.

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ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than March 7, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits for the trial no later than March 9, 2022; and it is further

ORDERED that the jury selection and trial in this matter **SHALL** commence promptly at 9:00 a.m. on March 14, 2022, in St. Thomas Courtroom 1.

Dated: September 21, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge